	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA	
LISA BIRGE,		)
	Plaintiff,	) 8:07CV326
V.		) ORDER
AAA RECOVE	RY SYSTEMS, INC.,	)
	Defendant.	)

This matter is before the court on the Plaintiff's Motion To Strike Fed. R. Civ. P. Rule 68 Offer of Judgement (Filing No. 12). The defendant did not file a response to this motion. The plaintiff requests an order striking the defendant's Rule 68 Offer of Judgement (Filing No. 7) because the plaintiff did not accept the offer of judgement, and the offer of judgement should not be filed unless and until it is accepted. **See** Filing No. 12. Pursuant to Fed. R. Civ. P. 68.

At any time more than 10 days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against the defending party for the money or property or to the effect specified in the offer, with costs then accrued. If within 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the clerk shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs. If the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer. The fact that an offer is made but not accepted does not preclude a subsequent offer.

The plaintiff contends that she has requested the defendant to withdraw its offer, but the defendant has not done so. Upon consideration,

## IT IS ORDERED:

- 1. The Plaintiff's Motion To Strike Fed. R. Civ. P. Rule 68 Offer of Judgement (Filing No. 12) is granted.
- 2. The defendant's Rule 68 Offer of Judgement (Filing No. 7) is stricken from the record.

DATED this 19th day of October, 2007.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge